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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Costa Rica*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on the current status of the bill on the creation of a Single Disability Certificate (file No. 20360), including whether it features a human rights approach.

2. With reference to the recommendation made by the Committee following its consideration of the State party's initial report (see CRPD/C/CRI/CO/1, para. 8), please indicate whether there have been any initiatives to revise the Constitution in order to bring it into line with the Convention on the Rights of Persons with Disabilities (hereinafter referred to as the "Convention"). Specifically, please indicate whether there are plans to amend article 51 of the Constitution by removing the reference to "*enfermos desvalidos*" (infirm persons who are destitute or helpless).

3. Please report on progress related to the establishment of standing mechanisms for the consultation of organizations representing persons with disabilities, in particular organizations of women, children and adolescents with disabilities. Please indicate, in particular, whether the envisaged Standing Body for Civil Society Consultation will include persons with disabilities and, if so, how. Please provide an update on the establishment of the Standing Body.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

4. Please provide information on the measures taken to recognize disability as a prohibited ground for discrimination, in line with the Convention, and to recognize that denial of reasonable accommodation constitutes discrimination.

5. Please provide an update on the draft framework law to prevent and punish all forms of discrimination, racism and intolerance (file No. 20174), including detailed information on how it addresses discrimination on the grounds of disability; whether it covers all forms of discrimination, including multiple discrimination and intersectional discrimination, particularly where ethnic origin is concerned; which complaint mechanisms and penalties, including redress and compensation, are provided for in cases of discrimination against persons with disabilities; and the composition, powers and funding of the National Council for Combating Discrimination and Racism to be established under the draft framework law.

* Adopted at the Committee's nineteenth session (14 February–31 March 2017).

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6. Please explain how the various institutional commissions on accessibility and disability, whose role includes coordinating the formulation, execution and assessment of related policies, coordinate their work and what results have been achieved in terms of mainstreaming the disability perspective in all institutional policies.

Women with disabilities (art. 6)

7. Please provide information on the steps taken to include women and girls with disabilities in broader gender equality policies and to increase their involvement in the National Institute for Women. Please indicate whether the information provided by the Institute's Human Rights Information Centre is available in Braille, sign language, easy-to-read and other accessible formats.

8. Please indicate how the new national policy for addressing and preventing violence against women 2017–2032 accounts for women and girls with disabilities.

9. Please provide information on the measures taken to protect women and girls with disabilities against all forms of violence based on gender and/or disability, harassment and bullying, in all settings, including at work and at school, and in all spheres of life. Please indicate whether there is a system in place for collecting statistical data on violence against women and girls with disabilities.

10. Please describe the measures taken to increase the representation of women with disabilities in political and decision-making bodies at all levels. In particular, please provide a progress update on the policy agenda for women with disabilities, "Breaking Barriers".

Children with disabilities (art. 7)

11. With regard to the goals of the National Agenda for Children and Adolescents 2015–2021, please indicate what has been done, specifically, to protect children and adolescents with disabilities from abuse and neglect, and to prevent their institutionalization. Please also indicate the measures in place to support families in raising and caring for children and adolescents with disabilities in order to reduce the risk of abuse, neglect and abandonment. Please provide any available data on the number of children with disabilities who receive support from the 977 centres belonging to the National Child Care and Child Development Network.

12. Please indicate what steps have been taken to ensure that the National Child Welfare Agency has effective monitoring and oversight mechanisms in place with regard to violence against children and adolescents with disabilities.

13. Regarding the establishment of a legal equality guarantor for persons with disabilities pursuant to the Act on the Promotion of Personal Autonomy of Persons with Disabilities, adopted on 30 August 2016, please indicate how the views of children with disabilities on all matters affecting them will be taken into account.

14. Please indicate whether the State party has launched any initiative to amend the Code on Children and Adolescents with a view to incorporating a cross-cutting disability perspective.

Awareness-raising (art. 8)

15. Please provide detailed information on campaigns aimed at reinforcing the image of persons with disabilities as rights holders. Please also specify whether "Telethon" public fundraising campaigns continue to be carried out. Please provide detailed information about the specific plans and programmes carried out during the period 2016–2018 in the context of the Biennium on Awareness of the Rights of Persons with Disabilities.

Accessibility (art. 9)

16. Please explain the results of the "Pledge for an Accessible and Inclusive Country" in all areas, including the physical environment, transport, and information and communication, in both urban and rural areas. Please provide information on the resources

invested in fulfilling the Pledge and on the monitoring mechanisms set up to ensure accessibility.

Situations of risk and humanitarian emergencies (art. 11)

17. Given that persons with disabilities are among those most affected by disasters, please indicate what steps have been taken to include them in disaster reduction strategies. Specifically, please explain in detail the situation regarding: early warning mechanisms for persons with disabilities and the use of accessible means and modes of information and communication; accessible, adequate shelters and mechanisms for accounting for persons with disabilities who fail to leave their homes in an emergency; systems for providing persons with disabilities with all the technical aids, equipment or other emergency materials or services that may be required and the resources available in that regard.

18. Please indicate the steps taken to ensure that post-emergency rehabilitation resettlement and rebuilding processes are based on risk assessments that are inclusive and accessible to persons with disabilities, inter alia through the application of universal design and build-back-better principles.

Equal recognition before the law (art. 12)

19. In connection with the recommendations made by the Committee in its concluding observations on the State party's initial report (see CRPD/C/CRI/CO/1, para. 22), please indicate whether any steps have been taken towards amending or repealing article 91 of the Constitution. Please also specify whether there are plans to repeal the provisions on the declaration of incapacity in all existing legislation, including the Civil Code and the Code of Civil Procedure.

20. Please provide detailed information on the legal equality guarantor for persons with disabilities, specifying the differences between the roles of the newly established "guarantor" and of the previous "guardian". Please explain what measures are planned to inform all guardians that, under the aforementioned Act, they have automatically become legal equality guarantors and to provide information and training, where necessary, regarding their new roles. Please outline the monitoring mechanisms and safeguards in place for overseeing the smooth operation of the new guarantor system and the procedure for ensuring that persons with disabilities may refuse the guarantor assigned to them or designate a replacement in the event of a conflict of interest.

Access to justice (art. 13)

21. Please provide information on the activities undertaken to ensure access to justice for persons with disabilities, including data on the availability of free sign language interpretation services and of information in Braille, easy-to-read and other accessible formats; the use of augmentative and alternative forms of communication; and access to legal advisory services for persons with disabilities.

22. Please indicate the measures taken to remove all barriers to justice for persons with disabilities in general and for women, children, indigenous persons, persons of African descent and older persons with disabilities in particular, detailing the initiatives being undertaken to inform these groups of the remedies available to them to file complaints and obtain redress.

23. Please explain how the platform of services for victims takes into account persons with disabilities, including indigenous persons, in all aspects of its work.

24. Please indicate the steps taken to implement an ongoing training programme on the rights of persons with disabilities for judges, prosecutors, police officers and other law enforcement officials and provide information on whether these programmes include a gender and age perspective.

Liberty and security of the person (art. 14)

25. Please describe the steps taken to repeal any legislation and/or policies that require or tolerate involuntary or forced institutionalization, forced treatment, the imposition of

restrictions or the seclusion of persons with disabilities, in particular persons with intellectual or psychosocial disabilities. Please also indicate the measures taken or envisaged to repeal subparagraph (c) of article 9 of the rules on informed consent in the provision of health-care services of the Costa Rican Social Security System, which allows for forced institutionalization without the free and informed consent of persons with disabilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

26. Please provide information on the steps taken to ensure that no person with disabilities is subjected to torture or cruel, inhuman or degrading treatment or punishment, including involuntary or forced institutionalization; corporal punishment; non-consensual treatment or other medical acts; and involuntary or excessive chemical treatment. Please also provide information on the steps taken to repeal the Biomedical Research Act (Act No. 9234), particularly articles 18 and 64 of the Act, in order to ensure that all medical treatment and scientific experimentation is carried out with the free and informed consent of persons with disabilities. Please indicate whether there is a strategy to prevent torture under the State party's torture prevention mechanism.

Freedom from exploitation, violence and abuse (art. 16)

27. Please provide information on the measures taken to eradicate all forms of violence and abuse against persons with disabilities, with particular emphasis on ending structural and systemic violence in all settings, including the family, school and society in general.

28. Please indicate the measures taken to protect women with disabilities from violence, exploitation and abuse, in particular against sexual violence and harassment in all settings, and on the implementation of protocols for their protection from all forms of violence, exploitation and abuse.

Protecting the integrity of the person (art. 17)

29. Regarding the Act on the Promotion of Personal Autonomy of Persons with Disabilities, which sets out, in article 11 (d), that "sterilization will be an exceptional practice to be applied at the request of the person with disabilities or where necessary and indispensable to the preservation of their life or physical integrity", please clarify how this provision is implemented in practice and what measures have been taken to ensure the free and informed consent of persons with disabilities. Please specify who determines that sterilization is "necessary and indispensable" and how.

Living independently and being included in the community (art. 19)

30. Please describe the progress made in the deinstitutionalization of persons with disabilities, including those admitted to psychiatric hospitals. In particular, please indicate the steps taken to implement the Act on the Promotion of Personal Autonomy of Persons with Disabilities in this regard and specify when the implementing regulations for the Act will be adopted. Please state whether the Unit for Personal Autonomy and Independent Living has been set up and, if so, what initiatives it is carrying out.

31. Please outline the measures adopted to ensure that all persons with disabilities maintain their autonomy and self-determination in choosing their place of residence and where and with whom they live, are not obliged to live in a particular living arrangement and make their own decisions regarding their inclusion in the community.

32. Under the Act on the Promotion of Personal Autonomy of Persons with Disabilities, personal assistance is a targeted support service for persons with disabilities who have scant financial resources. Please indicate whether this service is also available for other persons with disabilities at an affordable cost and what alternatives exist. Please provide any available statistics on the number of applications received and processed, and the number of persons who have benefited from this service.

33. Please provide specific data on the proportion and number of persons with disabilities who are in institutions and the number of persons with disabilities who have alternative housing arrangements, disaggregated by type of arrangement (foster families, single-person households, group homes, etc.).

Freedom of expression and opinion, and access to information (art. 21)

34. Please indicate the legislative and other measures adopted to ensure that information provided to the general public is also available to persons with disabilities in a timely manner and without additional cost, in accessible formats and technologies appropriate to different kinds of impairments, including sign language, subtitling and audio description, Braille and easy-to-ready formats. In particular, please provide information on the use of Costa Rican sign language in public institutions.

Education (art. 24)

35. Please outline the measures taken to ensure inclusive quality education for all students with disabilities, including the revision of article 62 of the Code on Children and Adolescents. Please clarify whether persons with disabilities have effective remedies in the event that they are rejected on the grounds of disability in mainstream educational institutions, be they public or private. Please indicate whether all students who require support and/or reasonable accommodation for learning, such as materials in accessible formats or personal assistance, receive such support and, if so, the time frame and cost involved.

36. Please provide information on the progress made in terms of physical accessibility of schools at all levels of education. Please provide detailed information on equipment, classrooms, playgrounds, health facilities and transportation to and from school and indicate whether they are accessible to all students, with or without disabilities, in the same conditions.

37. In view of the high number of children with disabilities who receive special education services, please provide detailed information on the measures taken to include students with disabilities in mainstream education, the measures in place to ensure that such education is fully inclusive of and accessible to persons with disabilities, the progress made and the resources invested, particularly with regard to the situation of girls with disabilities.

Health (art. 25)

38. Please provide information on the measures taken to ensure that all persons with disabilities have access, on an equal basis with others, to public and private health services that are affordable, accessible and of high quality, including in the areas of sexual and reproductive health and of mental and psychosocial health, in both urban and rural areas. Please also identify any initiatives related to the promotion of health, secondary prevention, and health-care and rehabilitation services for persons with disabilities.

39. Please provide information on all the measures taken, in law and in practice, to ensure the free and informed consent of persons with disabilities to receive any health service, including treatment. Please indicate how informed consent is sought from institutionalized persons concerning treatment or other medical acts and any existing safeguards in that regard.

40. Please provide information on the activities undertaken to ensure that persons with disabilities have access to information on sexual and reproductive rights.

Habilitation and rehabilitation (art. 26)

41. Please describe the measures taken to ensure that habilitation and rehabilitation services and programmes for persons with disabilities promote the greatest possible degree of autonomy for such persons, as well as their full inclusion and participation in all aspects of life in the community. Please indicate whether habilitation and rehabilitation services are provided to all persons with disabilities, including indigenous persons and persons of

African descent, regardless of age, sex, origin or socioeconomic status, throughout Costa Rica, including rural and remote areas.

Work and employment (art. 27)

42. Please provide information on efforts to promote the employment of persons with disabilities in the public and private sectors, more specifically on any affirmative action measures and the provision of reasonable accommodation. Please also provide information on the activities undertaken in the framework of the National Plan for the Employment of Persons with Disabilities 2017–2018 and on the resources invested in implementing the Plan. Please indicate any specific measures promoting the employment of young people with disabilities.

43. With regard to employment quotas, please provide information on whether steps have been taken to resolve any difficulties that prevent compliance with the employment quota for persons with disabilities in the public sector. Please indicate whether outreach campaigns regarding available posts have been expanded to reach all persons with disabilities, including indigenous persons and persons of African descent, in both rural and remote areas, in accessible information and communication formats. Please provide statistical data on the number of candidates and individuals selected to fill the vacancies, disaggregated by sex, ethnic origin and type of disability, among other factors.

Adequate standard of living and social protection (art. 28)

44. Please indicate the specific measures taken in favour of persons with disabilities in poverty reduction strategies and how these measures have helped improve their quality of life. Please also specify the steps taken to provide social protection to persons with disabilities in situations of extreme poverty, as well as measures to cover, through social security, the additional costs incurred by persons with disabilities in relation to their particular disabilities.

Participation in political and public life (art. 29)

45. Regarding article 2 of the Act on the Promotion of Personal Autonomy of Persons with Disabilities, which ensures the exercise by persons with disabilities of their electoral and civil rights, please clarify whether these rights are guaranteed for all persons with disabilities, including persons with psychosocial and/or intellectual disabilities. Please also indicate whether the electoral process scheduled for 2018 will include all persons with disabilities, including those who are deprived of their legal capacity and/or their liberty because of their disabilities, such as those who are in psychiatric hospitals.

46. Please provide data on the proportion of posts in public institutions occupied by persons with disabilities (national and local legislative bodies, public administration and the judiciary), disaggregated by sex, type of impairment and ethnic origin.

47. Please provide information on the steps taken to disseminate comprehensive information about legislative and electoral processes in accessible formats, including through Costa Rican sign language interpretation.

Participation in cultural life, recreation, leisure and sport (art. 30)

48. Please outline measures taken to ensure the accessibility of recreational, cultural and touristic areas by, inter alia, promoting the application of the principles of universal design and providing information accessible to persons with disabilities.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

49. Please provide information on the measures taken to update statistical data related to disability, disaggregated by age, sex and other relevant factors, with a view to designing policies that contribute to the implementation of the Convention. Please indicate whether

provision has been made for the participation of persons with disabilities and their representative organizations in the design of future censuses and surveys, and whether the methodology of the Washington Group on Disability Statistics will be used in future statistical data collection.

50. Please describe the situation with regard to the establishment and implementation of a Costa Rican information system on disability, its content and its functions. Please specify whether there are plans to provide disability information in accessible formats.

International cooperation (art. 32)

51. Please indicate how disability is incorporated into development policies and programmes, especially those designed to further the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. Please also indicate how persons with disabilities participate in carrying out and monitoring development policies and plans that affect them.

National implementation and monitoring (art. 33)

52. Please provide information on the measures taken to ensure that the designated national monitoring mechanism, namely the Ombudsman's Office, has the financial and human resources necessary to fulfil its mandate to promote, protect and monitor implementation of the Convention at the national level, in both urban and rural areas.